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CASITAS MUNICIPAL WATER DISTRICT, a California
7 special district

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES, DISTRICT

10 SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

11 Petitioner,

12 vs.

13 STATE WATER RESOURCES CONTROL
14 BOARD, et. al.,

15 Respondents.

16 CITY OF SAN BUENA VENTURA, et. al.,

17 Cross-Complainant,

18 vs.

19 DUNCAN ABBOTT, an individual, et al.,

20 Cross-Defendants.
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Case No. 19STCP01176

Judge: Hon. William F. Highberger
Dept: 10

**DECLARATION OF CASITAS
MUNICIPAL WATER DISTRICT
GENERAL MANAGER MICHAEL FLOOD
IN SUPPORT OF ORDER TO CONTINUE
STAY**

Date: March 27, 2024
Time: 10:00 A.M.
Dept.: 10

Date Action Filed: September 19, 2014
Trial Date: Not Set

DECLARATION OF MICHAEL FLOOD

I, Michael Flood, declare:

1. I am the General Manager of Casitas Municipal Water District (“Casitas”). I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could competently testify to all matters set forth herein.

2. I make this declaration in support of the City of Ventura’s request for a continuance of the current stay in this action, the Ventura River Adjudication Litigation (“Litigation”), for one additional year to March 31, 2025.

3. I have been appointed by the Casitas Board to serve on the Casitas Negotiating Team in connection with the mediation in this matter.

4. In this role, I have attended all mediation sessions held with the mediator, David Ceppos, and representatives of the cities of Ojai and Ventura and the East Ojai Group as well as representatives of the Ventura River Water District (VRWD), Meiners Oaks Water District (MOWD), the Wood-Clyaessens Foundation (Foundation), Rancho Matilija Mutual Water Company (Rancho Matilija) and the Ventura County Watershed Protection District (Watershed Protection District). I have also participated in meetings with other watershed stakeholders outside of formal mediation sessions regarding issues associated with a possible physical solution and settlement in the ongoing Litigation.

5. Specifically, since the last extension of the stay in September of 2023, I have attended Mediation Session 9 on December 5, 2023, and Mediation Session 10 on March 4, 2024. I also attended a half-day virtual mediation session with the mediation parties on March 18, 2024. In my role on the Casitas Negotiating Team, and in my capacity as General Manager of Casitas, I also participated in other meetings with the mediator as requested, initiated and oversaw numerous meetings with technical experts related to the components of a possible physical solution, and participated with other Ventura Watershed stakeholders to discuss a possible governance structure for future implementation of a physical solution, and the development of a management plan envisioned to benefit Steelhead and their habitat in the Ventura River Watershed (“Watershed”).

1 6. I believe that the parties in the mediation are making diligent and steady progress
2 towards a resolution of the issues presented in the stayed Litigation. The Court should be aware
3 that recent major precipitation events (e.g. atmospheric rivers) caused significant flooding in and
4 around Casitas facilities during the most recent extension of the stay, and operational concerns and
5 tasks associated with responding to these significant atmospheric river events (for the second year
6 in a row), have at times delayed Casitas' ability to fully participate in matters related to
7 development and negotiation of proposed physical solution in the Watershed. Nevertheless,
8 Casitas remains fully committed to the mediation process and development of a physical solution
9 in the Watershed. Casitas is actively preparing for Mediation Session 11 on April 15/16 with
10 representatives of the State Water Resources Control Board (State Board) and the California
11 Department of Fish & Wildlife (CDFW) after reviewing technical information on recommended
12 flow criteria provided by CDFW and the State Board to the mediation parties last week.

13 7. While significant progress has been made towards settlement, it will not be feasible
14 to complete the mediation by March 30, 2024. More work—particularly work of a scientific and
15 technical nature with watershed and fisheries experts retained by the mediation parties—is
16 required by the mediation parties, and other parties, including the State Board and CDFW, before
17 a proposal will be ready for the Court's consideration.

18 8. Obtaining an additional one-year extension, rather than a six month stay as the
19 parties have requested in the past, should provide the mediation parties with sufficient time to
20 finalize a proposed physical solution and settlement for the Court's consideration. Casitas
21 acknowledges that this mediation process is moving slower than some parties in the watershed
22 desire. This is a complex case, and there are many competing demands on the water resources of
23 the Watershed. However, with regard to difficult scientific issues like those presented in this case,
24 Casitas believes it is best to develop the best science and consensus management and governance
25 approaches before coming to the Court with a proposed stipulated judgment for approval.

26 9. Delays aside, mediation, in Casitas' view, continues to be the best way to
27 potentially resolve the complex issues in this case. I therefore request that the Court grant this
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1 additional extension to allow the mediation to continue. If the Court deems a one year extension
2 of the stay to be excessive, then Casitas respectfully requests that the Court grant an additional six
3 month stay, though six months is—in Casitas’ view—unlikely to be sufficient for the Parties to
4 complete all required work remaining, particularly with CDFW and the State Board formally
5 joining the mediation for the first time on April 15. Much work remains, but I am optimistic that
6 the extensive mediation process, and the relationships developed and strengthened by the
7 mediating parties through same, will benefit the Watershed in the long run.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed this 20th day of March, 2024 at Oak View, California.

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Michael Flood
General Manager, Casitas MWD